

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

**ED GLASS, et al., individually and
on behalf of others similarly situated,**

Plaintiffs,

vs.

**ARENZ PEST MANAGEMENT
SOLUTIONS, INC., et al.,**

Defendants.

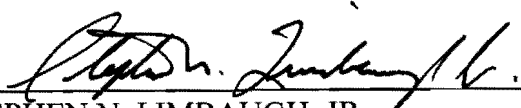
Case No. 4:13-cv-0170 SNLJ

MEMORANDUM AND ORDER

Plaintiffs filed this matter against defendants Arenz Pest Management Solutions, Inc., Steven Arenz, Debra Arenz, Michael Arenz, and Robert Arenz, alleging violations of the Fair Labor Standards Act, 29 U.S.C. § 201, et seq., and the Missouri Minimum Wage Laws, R.S. Mo. § 290.500 et seq. Defendants moved to dismiss for failure to state a claim pursuant to Federal Rule of Civil Procedure 12(b)(6) (#9) and alleged that plaintiffs had not pleaded adequately that defendants were engaged in interstate commerce such that the federal Fair Labor Standards Act applied. Plaintiffs responded by amending their complaint to add facts going to the defendants' participation in interstate commerce (#14, #15). Plaintiffs contend that their amendment moots the defendants' motion. Defendants have now answered the Amended Complaint (#17). Accordingly,

IT IS HEREBY ORDERED that defendants' Motion to Dismiss (#9) is **DENIED** as moot.

Dated this 24th day of June, 2013.



STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE